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Agenda item 143

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Australia, Canada, Germany, Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Convention on jurisdictional immunities of States and their property

The General Assembly,

Having received from the International Law Commission a set of draft articles on jurisdictional immunities of States and their property adopted by the Commission at its forty-third session, 1/

Recalling that the International Law Commission recommended that an international conference of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject, 2/

Having considered the draft articles at its forty-sixth to forty-ninth sessions, including in a Working Group and in consultations aimed at considering the issues of substance arising out of the draft articles, with the purpose of identifying and attenuating the differences of view concerning such issues in order to facilitate the conclusion of a convention through general agreement,

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1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II, sect. D.

2/ Ibid., para. 25.

Having also considered the reports of the Working Group established at its forty-seventh 3/ and forty-eighth 4/ sessions 2/ and of the consultations held at its forty-ninth session, 5/

Noting that there remain issues of substance arising out of the draft articles on which a sufficient measure of agreement has not yet been achieved,

1. Considers that the successful conclusion of a convention through general agreement would be a valuable contribution to the codification and progressive development of international law;

2. Invites States to submit to the Secretary-General their comments on the conclusions of the Chairman of the informal consultations held pursuant to General Assembly decision 48/413 of 9 December 1993, as well as the reports of the Working Group established under Assembly resolution 46/55 of 9 December 1991 and decision 47/414 of 25 November 1992; 3/, 4/

3. Decides to resume consideration at its fifty-third session of the issues of substance, in the light of the reports mentioned above and the comments submitted by States thereon, and to give full consideration to the recommendation of the International Law Commission to convene an international conference of plenipotentiaries to consider the draft articles and to conclude a convention on this subject;

4. Also decides to include in the provisional agenda of its fifty-third session the item entitled "Convention on jurisdictional immunities of States and their property".

3/ A/C.6/47/L.10.

4/ A/C.6/48/L.4 and Corr.2.

5/ A/C.6/49/L.2.